

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/ FENFLURAMINE/DEXFENFLURAMINE) PRODUCTS LIABILITY LITIGATION	:	MDL NO. 1203
_____	:	
THIS DOCUMENT RELATES TO:	:	
	:	
SHEILA BROWN, et al.	:	
	:	
v.	:	
	:	
AMERICAN HOME PRODUCTS CORPORATION	:	
_____	:	NO. 99-20593

PRETRIAL ORDER NO. 9398

AND NOW, this 3rd day of March, 2015, upon consideration of the Petition for an Award of Attorneys' Fees and Expense Reimbursements Relating to Common Benefit Work Performed from January 1, 2014 through December 31, 2014, and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. As used herein, "Levin-Fishbein" means Levin, Fishbein, Sedran & Berman.
2. The court hereby approves the reimbursement of \$38,296.66 in litigation expenses incurred by Levin-Fishbein, including amounts previously approved by the court or advanced pursuant to order of the court, to be paid, reimbursed and/or allocated as follows:

- a. Prior expense reimbursements in the amount of \$14,663.33 shall be attributed to the MDL 1203 Fee and Cost Account as having been properly and finally allocated to that Account for payment;
- b. Within twenty days from the date of this Order, the AHP Settlement Trust ("Trust") shall transfer the amount of \$14,663.33 to the Escrow Agent for the MDL 1203 Fee and Cost Account to reimburse that account for expense reimbursements previously paid from that Account that should ultimately be paid by the Settlement Fund under Sections III.B.2, III.C.3 and VIII.E.1 of the Settlement Agreement;
- c. Within twenty days from the date of this Order, the Trust shall pay from the Settlement Fund the amount of \$4,485 to Levin-Fishbein to reimburse Levin-Fishbein for previously unreimbursed litigation expenses; and
- d. Within twenty days from the date of this order, the Escrow Agent for the MDL 1203 Fee and Cost Account shall pay from the MDL 1203 Fee and Cost Account the amount of \$4,485 to Levin-Fishbein to reimburse Levin-Fishbein for previously unreimbursed litigation expenses.

2. In addition to the amounts previously awarded in Pretrial Order Nos. 7763A, 8516, 8646, 8869, 9102, and 9294, the court hereby awards Levin-Fishbein an attorneys' fee in the aggregate amount of \$1,152,662.50 for work performed by Levin-Fishbein during the period from January 1, 2014 to December 31, 2014. This fee award is to be paid by the Trust in accordance with the terms of the Stipulation Between Wyeth and Class

Counsel with Regard to the Funding of Future Awards of Class-Related Fees previously approved by this court.

3. No earlier than twenty days after the date of this Order and as soon thereafter as is commercially reasonable, the Trust shall disburse the payments set forth in paragraph 2 of this Order. The Trust shall make such payments by check and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payees.

4. In addition to the amounts previously awarded in Pretrial Order Nos. 7763A, 8516, 8646, 8869, 9102, and 9294, the court hereby awards Levin-Fishbein an attorneys' fee in the aggregate amount of \$1,152,662.50 to be paid from funds on deposit in the MDL 1203 Fee and Cost Account to compensate Levin-Fishbein for services of benefit to the plaintiffs in MDL 1203 and the coordinated state-court litigation performed by Levin-Fishbein during the period from January 1, 2014 through December 31, 2014.

5. No earlier than twenty days from the date of this Order and as soon thereafter as is reasonably practicable, Gregory P. Miller, Esquire, as Escrow Agent for the MDL 1203 Fee and Cost Account, shall disburse from said Account the payment set forth in paragraph 4 of this Order. Mr. Miller shall make such payment by check and shall deliver such check to the payee

by overnight courier in a manner that generates a written acknowledgment of receipt by the payee. In order to make this payment, Mr. Miller may transfer funds from the MDL 1203 Fee and Cost Account to a disbursement account at an appropriate financial institution.

BY THE COURT:


J.